



Journal of the House

State of Indiana

114th General Assembly

First Regular Session

Fourteenth Meeting Day

Thursday Afternoon

February 3, 2005

The House convened at 1:30 p.m. with the Speaker in the Chair.

The invocation was offered by Reverend Rebecca Suter, First United Methodist Church, Martinsville, the guest of Representative Ralph M. Foley.

The Pledge of Allegiance to the Flag was led by Representative Foley.

The Speaker ordered the roll of the House to be called:

T. Adams	Klinker
Aguilera	Koch
Alderman	Kromkowski
Austin	Kuzman
Avery	L. Lawson
Ayres	Lehe
Bardon	Leonard
Bauer	J. Lutz
Becker	Mahern
Behning	Mays
Bischoff	McClain
Borders	Messer
Borror	Micon
Bottorff	Moses
Bright	Murphy
C. Brown	Neese
T. Brown	Noe
Buck	Orentlicher
Budak	Oxley
Buell	Pelath
Burton	Pflum
Cheney	Pierce
Cherry	Pond
Cochran	Porter
Crawford	Reske
Crooks	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Ulmer
Gutwein	VanHaften
E. Harris	Walorski
T. Harris	Welch
Heim	Whetstone
Hinkle	Wolkins
Hoffman	Woodruff
Hoy	Yount
Kersey	Mr. Speaker

Roll Call 80: 100 present. The Speaker announced a quorum in attendance.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 5 and 6 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 20 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On February 3, 2005, I signed into law House Enrolled Act 1021.

MITCHELL E. DANIELS, JR.
Governor

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 7, 2005 at 1:30 p.m.

FOLEY

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 8

Representatives Whetstone, Bardon, Mahern, and Richardson introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION to honor Peyton Manning for his athletic accomplishments, community involvement, and for serving as a positive role model for our youth.

Whereas, Peyton Manning's athletic accomplishments are outstanding and numerous;

Whereas, Peyton Manning received national sporting acclaim for surpassing Dan Marino's 1984 mark of 48 seasonal touchdowns;

Whereas, Peyton Manning started 16 games in 2004 for the seventh consecutive season;

Whereas, Peyton Manning posted one of the finest seasons by a quarterback in NFL history with 4,557 passing yards, 49 touchdowns, and a 121.1 quarterback rating;

Whereas, Peyton Manning earned Pro Bowl honors for the 5th time;

Whereas, Peyton Manning won the Associated Press NFL Most Valuable Player for the second consecutive season;

Whereas, Peyton Manning joins quarterbacks Brett Favre and Joe Montana as the only players to win the Associated Press NFL Most Valuable Player in consecutive seasons;

Whereas, Peyton Manning was awarded the Associated Press Offensive Player-of-the-Year in 2004;

Whereas, Peyton Manning was unanimously selected to participate in the Associated Press NFL All-Pro First Team in 2004;

Whereas, Peyton Manning became the only quarterback in NFL history to throw more than 25 touchdown passes in seven consecutive seasons;

Whereas, Peyton Manning formed the PeyBack Foundation in 1999 which promotes the future success of disadvantaged youth;

Whereas, Peyton Manning launched the inaugural PeyBack Classic in 2000, enabling five inner-city Indianapolis high school football teams to play for the first time in the RCA Dome;

Whereas, The PeyBack Foundation has donated more than \$900,000 to community agencies in Indiana, Tennessee, and New Orleans;

Whereas, The PeyBack Foundation hosted more than 1,000 disadvantaged Indianapolis children from 25 different community agencies for the PeyBack Christmas Celebration at the Children's Museum of Indianapolis;

Whereas, The PeyBack Foundation instituted the Peyton's Pals Ticket Incentive Program in 2002, which makes it possible for disadvantaged children to attend Indianapolis Colts home games;

Whereas, Peyton Manning's involvement with the NCAA's "Stay in Bounds" program and the Play It Smart organization further demonstrates his commitment to be a positive impact in the community;

Whereas, Peyton Manning's generosity extends beyond Indiana as shown by his service on the American Red Cross National Celebrity Cabinet; and

Whereas, Peyton Manning's athletic accomplishments and community involvement embodies his character and integrity both on and off the field: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives do honor Peyton Manning for his athletic accomplishments and community involvement and for serving as a positive role model for our youth.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Peyton Manning.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Clark, Howard, and Lubbers.

House Resolution 11

Representatives Saunders, T. Brown, and Buck introduced House Resolution 11:

A HOUSE RESOLUTION to recognize February 6th, 2005 as "Ronald Reagan Day" in the State of Indiana.

Whereas, President Ronald Wilson Reagan, a man of humble background, worked throughout his life serving freedom and advancing the public good, having been employed as an entertainer, Union leader, corporate spokesman, Governor of California, and President of the United States;

Whereas, Ronald Reagan served with honor and distinction for two terms as the 40th President of the United States of America; the second of which he earned the confidence of 3/5 of the electorate and was victorious in 49 of the 50 states in the general election - a record unsurpassed in the history of American presidential elections;

Whereas, In 1981, when Ronald Reagan was inaugurated President, he inherited a disillusioned nation shackled by rampant inflation and high unemployment;

Whereas, During Mr. Reagan's presidency he worked in a bipartisan manner to enact his bold agenda of restoring accountability and common sense to Government which led to an unprecedented economic expansion and opportunity for millions of Americans;

Whereas, President Reagan's commitment to an active social policy agenda for the nation's children helped lower crime and drug use in our neighborhoods;

Whereas, President Reagan's commitment to our armed forces contributed to the restoration of pride in America, her values and those cherished by the free world, and prepared America's Armed Forces to meet 21st Century challenges;

Whereas, President Reagan's vision of "peace through strength" led to the end of the Cold War and the ultimate demise of the Soviet Union, guaranteeing basic human rights for millions of people; and

Whereas, February 6, 2005 will be the 94th anniversary of Ronald Reagan's birth, and the first since his passing: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the House of Representatives of the General Assembly do hereby declare February 6th, 2005 to be Ronald Reagan Day in the State of Indiana and urge all the citizens of Indiana to take cognizance of this event and participate fittingly in its observance.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Representative Thomas Saunders, Representative Tim Brown, and Representative James Buck.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 20

The Speaker handed down Senate Concurrent Resolution 20, sponsored by Representative Kuzman:

A CONCURRENT RESOLUTION urging the Department of Transportation to designate State Road 55 between U.S. 231 and State Road 2 as the "Murrell Belanger Memorial Highway."

Whereas, Murrell Belanger was a well-regarded businessman who owned Crown Point Chrysler-Plymouth Sales and was a racing enthusiast;

Whereas, in 1951, Murrell Belanger's "#99 Belanger Special" won the Indianapolis 500;

Whereas, the "#99 Belanger Special" was the first race car to win on all major racetracks, the first to win the Indianapolis 500 in less than four hours, the first to use disc brakes and a tube frame, the first to use alloy wheels and torsion bars, the first to weigh less than 2,000 pounds, and the first to win the most points in one season until A.J. Foyt broke that record in 1964;

Whereas, the "#99 Belanger Special" was featured in the 1950 movie "To Please a Lady";

Whereas, the "#99 Belanger Special" was kept and maintained in Lowell until it was donated to the Indianapolis Motor Speedway Museum by Murrell Belanger; and

Whereas, the "#99 Belanger Special" is still considered "the world's premiere race car" and is on permanent display at the Indianapolis Motor Speedway Museum: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the importance of Murrell Belanger's contributions to auto racing and requests that the Indiana Department of Transportation memorialize his contributions to the communities of Lowell and Crown Point by designating State Road 55 from U.S. 231 to State Road 2 as the "Murrell Belanger Memorial Highway."

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Donna Belanger-Haniford, Tom Hawes, and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Representative Stilwell was excused for the rest of the day. Representative Whetstone was excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1052, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1268, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 18 through 22, begin a new paragraph and insert:

"(b) This subsection does not apply to an area that is located in a region designated as a nonattainment area for a regulated air pollutant. Subject to section 3 of this chapter, a person may open burn wood remnants from construction of a structure if the open burn occurs in:

(1) an incorporated area; and

(2) a container located on the same site the construction of the structure occurred."

(Reference is to HB 1268 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

THOMAS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1320, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 19, delete "make" and insert "**held**".

Page 2, line 19, delete "announcements" and insert "**hearings**".

Page 2, line 21, delete "announcement at" and insert "**hearing at**".

Page 2, line 21, delete "announcement is" and insert "**hearing is**".

Page 2, line 22, delete "made." and insert "**held**".

Page 2, line 25, delete "An announcement made" and insert "**A hearing held**".

Page 2, line 27, delete "made" and insert "**held**".

Page 2, line 29, delete "made" and insert "**held**".

Page 2, line 31, delete "include:" and insert "**include an announcement from the owner or the owner's representative that provides to the public:**".

Page 2, line 35, delete "project;" and insert "**project, including a description of the health care services that will be provided by the hospital or ambulatory outpatient surgical center as a result of the construction project;**".

Page 2, line 36, delete "made:" and insert "**held:**".

Page 2, line 39, delete "8 a.m." and insert "**3 p.m.**".

Page 2, line 39, delete "5 p.m.;" and insert "**9 p.m.;**".

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 3.

Page 3, line 4, delete "(h) An announcement made" and insert "**(g) A hearing held**".

Page 3, line 9, delete "(i)" and insert "**(h)**".

Page 3, line 10, delete "during an" and insert "**during a**".

Page 3, line 11, delete "announcement made" and insert "**hearing held**".

Page 3, line 13, delete "(j)" and insert "**(i)**".

(Reference is to HB 1320 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1350, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 42, delete "official".

(Reference is to HB 1350 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1357, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, after line 14, begin a new paragraph and insert:

"SECTION 3. **An emergency is declared for this act.**".

(Reference is to HB 1358 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

BECKER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1410, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "owns a landfill." and insert ":

(A) owns a landfill;

(B) will use property tax revenue to:

(i) construct a new landfill cell; or

(ii) close a landfill cell;

at the landfill; and

(C) has received approval from the county fiscal body of the county in which the landfill is located to construct or close the landfill cell."

(Reference is to HB 1410 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland

Security, to which was referred House Bill 1593, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete amendments adopted by the House Committee on Public Safety and Homeland Security on January 25, 2005.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-18-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) A person who owns a vehicle must sign an application in ink to register the vehicle.

(b) An application to register a vehicle must contain the following:

(1) The:

(A) name, bona fide residence, and mailing address, including the name of the county, of the person who owns the vehicle; or

(B) business address, including the name of the county, of the person that owns the vehicle if the person is a firm, a partnership, an association, a corporation, a limited liability company, or a unit of government.

If the vehicle that is being registered has been leased and is subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the application must contain the address of the person who is leasing the vehicle. If the vehicle that is being registered has been leased and is not subject to the motor vehicle excise tax under IC 6-6-5 or the commercial vehicle excise tax under IC 6-6-5.5, the application must contain the address of the person who owns the vehicle, the person who is the lessor of the vehicle, or the person who is the lessee of the vehicle. If a leased vehicle is to be registered under the International Registration Plan, the registration procedures are governed by the terms of the plan.

(2) A brief description of the vehicle to be registered, including the following information if available:

(A) The name of the manufacturer of the vehicle.

(B) The vehicle identification number.

(C) The manufacturer's rated capacity if the vehicle is a truck, tractor, trailer, or semitrailer.

(D) The type of body of the vehicle.

(E) The model year of the vehicle.

(F) Any other information reasonably required by the bureau to enable the bureau to determine if the vehicle may be registered. The bureau may request the person applying for registration to provide the vehicle's odometer reading.

(3) A space on the application in which the person registering the vehicle may indicate the person's desire to donate money to organizations that promote the procurement of organs for anatomical gifts. The space on the application must:

(A) allow the person registering the vehicle to indicate the amount the person desires to donate; and

(B) provide that the minimum amount a person may donate is one dollar (\$1).

Funds collected under this subdivision shall be deposited with the treasurer of state in a special account. The auditor of state shall monthly distribute the money in the special account to the anatomical gift promotion fund established by IC 16-19-3-26. The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

(4) A space on the application in which the person registering the vehicle may indicate the person's desire to donate at least one dollar (\$1) to the emergency medical services fund established by IC 10-15-3-1(a)(4), to be used for grants to purchase of defibrillators. Donations collected under this subdivision shall be deposited with the treasurer of state in a special account, known as the defibrillator grant account, with a record made of the county from which each donation came. The auditor of state shall monthly:

(A) distribute the money in the defibrillator grant account to the emergency medical services fund established by IC 10-15-3-1(a)(4); and

(B) report to the Indiana emergency management, fire and building services, and public safety training foundation established by IC 10-15-2-1 the amount of

donations made in each county during the preceding month.

The bureau may deduct from the funds collected under this subdivision the costs incurred by the bureau in implementing and administering this subdivision.

(c) The department of state revenue may audit records of persons who register trucks, trailers, semitrailers, buses, and rental cars under the International Registration Plan to verify the accuracy of the application and collect or refund fees due.

SECTION 2. IC 10-15-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. "Defibrillator" has the meaning set forth in IC 16-31-6.5-3.**

SECTION 3. IC 10-15-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The following funds are established:

(1) Emergency management fund.

(2) Fire services fund.

(3) Building services fund.

(4) Emergency medical services fund.

(5) Stewardship fund.

(b) The funds established by subsection (a)(1) through (a)(4) consist of:

(1) gifts and proceeds received under section 5 of this chapter; and

(2) fees from license plates as set forth in section 6 of this chapter.

(c) The stewardship fund established by subsection (a)(5) consists of fees from license plates as set forth in section 6 of this chapter.

(d) The emergency medical services fund established by subsection (a)(4) also consists of money received under IC 9-18-2-16(b)(4) from donations from persons registering vehicles.

SECTION 4. IC 10-15-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The money in the emergency management fund shall be used to pay for projects of the agency.

(b) The money in the fire services fund shall be used to pay for projects of the office of the state fire marshal.

(c) The money in the building services fund shall be used to pay for projects of the office of the state building commissioner.

(d) Except as provided in section 2.5 of this chapter, the money in the emergency medical services fund shall be used to pay for emergency medical services projects of the agency.

(e) The money in the stewardship fund shall be used to pay for the promotion of safety first license plates under IC 9-18-45 and for the costs of administering this article.

SECTION 5. IC 10-15-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 2.5. (a) For purposes of this section, "eligible entity" means:**

(1) a unit of local government; or

(2) a school corporation (as defined in IC 20-10.1-1-1).

(b) The foundation shall use money in the emergency medical services fund that is donated by persons registering vehicles under IC 9-18-2-16(b)(4) for grants to eligible entities for the purchase of defibrillators as provided in subsection (c).

(c) An eligible entity may apply to the foundation for a grant under this subsection at any time. The foundation shall determine a process and schedule for grant applications. The foundation shall determine the amount of grants to be distributed to each eligible entity. The total amount of grants distributed to all eligible entities in a county during a grant application period may not exceed the amount of donations made in each county under IC 9-18-2-16(b)(4) during the preceding grant application period.

(d) If there is not sufficient money in the fund for a defibrillator grant for an eligible entity in a particular county:

(1) other funds from the emergency medical services fund may be provided to complete the amount needed to provide a grant for a defibrillator for that eligible entity as an emergency medical services project of the agency; or

(2) the county emergency management organization or interjurisdictional disaster agency of the county may

contribute funds to complete the amount needed for the grant to purchase a defibrillator.

(e) An eligible entity that receives a grant under this section may not purchase a defibrillator for a private entity. If the recipient of a defibrillator purchased with a grant received under this section ceases to exist or no longer uses the defibrillator, the recipient shall return the defibrillator to the eligible entity that applied for the grant used to purchase the defibrillator for redistribution.

(f) An eligible entity that receives a grant under this section may, at the discretion of the foundation, receive grants from the foundation in addition to a grant under this section for the purchase of defibrillators.

SECTION 6. IC 10-15-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Gifts of money to the funds or the foundation, **including donations from persons registering vehicles under IC 9-18-2-16(b)(4)**, or the proceeds from the sale of gifts donated to the funds or the foundation shall be deposited in the designated fund.

Renumber all SECTIONS consecutively.

(Reference is to HB 1593 as introduced and as amended by the House Committee on Public Safety and Homeland Security on January 25, 2005.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1653, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 4-4-11-44 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 44. (a) As used in this section, "permit" means any state agency permit, license, certificate, approval, registration, or similar form of approval required by a statute or administrative rule.

(b) The shovel ready site development center is established within the authority. The center has the following duties:

(1) Providing comprehensive information on permits required for business activities in Indiana, and making this information available to any person.

(2) Working with other state government offices, departments, and administrative entities in assisting applicants in obtaining timely and efficient permit review and the resolution of issues arising from permit review.

(3) Encouraging the participation of federal and local government agencies in permit coordination.

SECTION 2. IC 4-4-11-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) As used this section, "permit" means any local, state, or federal agency permit, license, certificate, approval, registration, or similar form of approval required by statute, administrative rule, regulation, ordinance, or resolution.

(b) In addition to the duties set forth in section 44 of this chapter, the shovel ready site development center shall, in cooperation with political subdivisions, create programs to enable political subdivisions to obtain all or part of any permits to create sites that are ready for economic development."

Page 2, delete lines 1 through 21.

Page 2, line 24, reset in roman "or".

Page 2, line 24, delete "or (e)".

Page 2, line 38, strike "Section 107(b)" and insert "Sections 107(b), 107(q), and 107(r)".

Page 3, delete lines 13 through 42.

Page 4, line 1, reset in roman "(e)".

Page 4, line 1, delete "(f)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1653 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

WOLKINS, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1078

Representative Hoffman called down House Bill 1078 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1078-1)

Mr. Speaker: I move that House Bill 1078 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-30-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. The center for coal technology research is established to perform the following duties:

(1) Develop technologies that can use Indiana coal in an environmentally and economically sound manner.

(2) Investigate the reuse of clean coal technology byproducts, including fly ash **and coal bed methane**.

(3) Generate innovative research in the field of coal use.

(4) Develop new, efficient, and economical sorbents for effective control of emissions.

(5) Investigate ways to increase coal combustion efficiency.

(6) Develop materials that withstand higher combustion temperatures.

(7) Carry out any other matter concerning coal technology research, including public education, as determined by the center.

(8) Administer the Indiana coal research grant fund under IC 4-23-5.5-16.

(9) Investigate the use of coal bed methane in the production of renewable or alternative fuels and renewable energy sources.

SECTION 2. IC 8-1-8.8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "clean coal and energy projects" means any of the following:

(1) Any of the following projects:

(A) Projects at new energy generating facilities that employ the use of clean coal technology and that are fueled primarily by coal or gases, derived from coal from the geological formation known as the Illinois Basin.

(B) Projects to provide advanced technologies that reduce regulated air emissions from existing energy generating plants that are fueled primarily by coal or gases from coal from the geologic formation known as the Illinois Basin, such as flue gas desulfurization and selective catalytic reduction equipment.

(C) Projects to provide electric transmission facilities to serve a new energy generating facility.

(2) Projects to develop alternative energy sources, including renewable energy projects.

(3) The purchase of fuels produced by a coal gasification facility.

(4) Projects described in subdivisions (1) through (3) that use coal bed methane."

Renumber all SECTIONS consecutively.

(Reference is to HB 1078 as printed January 14, 2005.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1129

Representative Foley called down House Bill 1129 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1129-1)

Mr. Speaker: I move that House Bill 1129 be amended to read as follows:

Page 2, delete lines 12 through 42.

Page 3, delete lines 1 through 10.

Page 5, delete lines 13 through 15.

Renumber all SECTIONS consecutively.

(Reference is to HB 1129 as printed February 1, 2005.)

FOLEY

Motion prevailed.

HOUSE MOTION
(Amendment 1129-4)

Mr. Speaker: I move that House Bill 1129 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 6-4.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The first one ~~hundred thousand~~ million dollars ~~(\$100,000)~~ (\$1,000,000) of property interests transferred to a Class A transferee under a taxable transfer or transfers is exempt from the inheritance tax."

Page 5, line 11, after "IC 6-4.1-1-3" delete "," and insert "**and IC 6-4.1-3-10, both**".

Page 5, line 11, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1129 as printed February 1, 2005.)

KUZMAN

Upon request of Representatives Oxley and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 81: yeas 45, nays 50. Motion failed. The bill was ordered engrossed.

House Bill 1183

Representative Leonard called down House Bill 1183 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1230

Representative Friend called down House Bill 1230 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1230-1)

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 1, line 10, delete "carrier;" and insert "**carrier as defined under this article or by 49 U.S.C. 13102(12);**".

Page 1, line 17, after "person" insert "**, other than a person that operates a railroad intermodal facility,**".

Page 2, line 17, delete "unenforceable." and insert "**unenforceable, except when and only to the extent that the loss or damage results directly from the negligence, intentional acts, or omissions of the motor carrier or agents, employees, servants, or independent contractors directly responsible to the motor carrier.**".

(Reference is to HB 1230 as printed January 25, 2005.)

FRIEND

Motion prevailed. The bill was ordered engrossed.

House Bill 1375

Representative Klinker called down House Bill 1375 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1375-1)

Mr. Speaker: I move that House Bill 1375 be amended to read as follows:

Page 1, line 5, after "the" insert "**:**"

(1)".

Page 1, line 5, after "chapter" insert "**;** **and**"

(2) license renewal requirements of IC 27-1-15.6 and this chapter;".

Page 1, line 5, beginning with "for" begin a new line blocked left. (Reference is to HB 1375 as printed February 1, 2005.)

KLINKER

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1112

Representative Richardson called down Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

Engrossed House Bill 1198

Representative Thompson called down Engrossed House Bill 1198 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Rogers.

Representative Whetstone, who had been excused, was present.

Engrossed House Bill 1673

Representative T. Harris called down Engrossed House Bill 1673 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of House Bill 1846 from the Committee on Rules and Legislative Procedures to the Committee on Ways and Means.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1410 had been referred to the Committee on Ways and Means.

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bill 1431 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House

Bill 1032, Roll Call 67, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to get to my desk in time to vote due to the crowded entrances to the House floor. I intended to vote yea."

BECKER

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1032, Roll Call 67, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to get to my desk in time to vote due to the crowded entrances to the House floor. I intended to vote yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1032, Roll Call 67, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to get to my desk in time to vote due to the crowded entrances to the House floor. I intended to vote yea."

LEONARD

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1032, Roll Call 67, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to get to my desk in time to vote due to the crowded entrances to the House floor. I intended to vote yea."

WELCH

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1032, Roll Call 67, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present but was unable to get to my desk in time to vote due to the crowded entrances to the House floor. I intended to vote yea."

WHETSTONE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the motions of Representatives Becker, Klinker, Leonard, Welch, and Whetstone changes the vote tally for Roll Call 67 to 91 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1120, Roll Call 70, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote the machine failed to register my vote. I intended to vote yea."

RUPPEL

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 70 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1141, Roll Call 71, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber but when I attempted to vote, the machine had closed. I intended to vote yea."

NOE

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1141, Roll Call 71, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

RESKE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petition of Representatives Noe and Reske changes the vote tally for Roll Call 71 to 95 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1179, Roll Call 73, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yes."

FOLEY

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1179, Roll Call 73, on February 1, 2005. In support of this petition, I submit the following reason:

"I was present and in the Chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

ULMER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Foley and Ulmer changes the vote tally for Roll Call 73 to 96 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Cheney be added as coauthor of House Bill 1038.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1057.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1198.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Duncan and Borders be added as coauthors of House Bill 1211.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Orentlicher be added as coauthor of House Bill 1357.

C. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ripley and Hoy be added as coauthors of House Bill 1590.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Adams and Frizzell be added as coauthors of House Bill 1599.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1605.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Budak, Reske, and Austin be added as coauthors of House Bill 1736.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Neese be added as coauthor of House Bill 1804.

SAUNDERS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Gutwein, the House adjourned at 2:50 p.m., this third day of February, 2005, until Monday, February 7, 2005, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives